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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,689	12/05/2001	Danny E. Potter	1348-1011	4681

32376 7590 10/07/2005

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,689

Applicant(s)

POTTER, DANNY E.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 85-110 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 85-110 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim(s) 85-110** are rejected under 35 U.S.C. 102(b) as being anticipated by Barber et al. (US 6,088,435).

Regarding **claim(s) 85, 92, 99 and 105**, Barber discloses a method of answering incoming telephone calls (FIG. 3 and column 1, lines 22-25), the method comprising:

answering an incoming call on the telephone line from a first calling party (FIG. 3 and column 4, lines 4-9) [The voice processing equipment 36 answers the incoming call from the subscriber];

playing a general outgoing message to the first calling party over the telephone line (FIG. 3 and column 4, lines 4-9) [The voice processing equipment 36 requests the subscriber to enter a subscriber identifier];

receiving from the first calling party over the telephone line a code selected from at least two codes, each code corresponding to a storage location selected from at least two storage locations (FIG. 6, column 1, lines 48-54 and column 6, lines 28-46) [The subscriber as the option to choose a subject matter among a plurality of subject matters

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interests as stated in column 1, line 50, thereby the subject matter is a DTMF code specify by the subscriber];

responsive to receipt of the code from the first calling party over the telephone line, playing to the first calling party over the telephone line at least a portion of a message thread, the message thread comprising at least a portion of the contents of a selected storage location corresponding to the code received from the first calling party over the telephone line (FIG. 4 and column 6, lines 47-64) [The processor 32 plays a message to the subscriber based on the subscriber preference under a subject matter of interest and play that particular message to the subscriber];

providing to the first calling party an option to delete at least a portion of the message thread (FIG. 4 and column 7, lines 3-10) [The subscriber has the option to delete the messages or respond to the messages];

receiving a first incoming message from the first calling party over the telephone line (FIG. 6 and column 7, lines 11-16) [The subscriber choose to respond by leaving a message which is recorded for subsequent delivery];

appending at least a portion of the first incoming message to the message thread (FIG. 6 and column 7, lines 16-24) [The subscriber leaves a public response message which is posted to the bulletin board regarding the subject matter].

It is inherent that a second subscriber would call the system of Barber choosing the same subject matter and going through the same step as the first subscriber thereby reads on the rest of the claim limitations regarding the second caller.

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Regarding **claim(s) 86, 93, 100 and 106**, Barber discloses a method, further comprising the step of recording, in a default incoming message storage location, an incoming message from a calling party received over the telephone line, the recording occurring in response to expiration of a predetermined period of time without receipt on the telephone line of a code from that calling party (FIG. 6 and column 6, lines 36-46).

Regarding **claim(s) 87, 94, 102 and 108**, Barber discloses a method, further comprising the step of storing the message thread including a special outgoing message and at least one incoming message from at least one calling party received on the telephone line (FIG. 3 and column 4, lines 4-24).

Regarding **claim(s) 88, 95, 104 and 110**, Barber discloses a method, wherein the message thread includes at least one deleted message and at least one stored message (FIG. 6 and column 7, lines 3-5).

Regarding **claim(s) 89, 96, 101 and 107**, Barber discloses a method, wherein a calling party is provided the option of deleting the entire contents of the storage location selected by that calling party (FIG. 6 and column 7, lines 3-5).

Regarding **claim(s) 90, 97, 103 and 109**, Barber discloses a method, further comprising the step of playing, subsequent to playing a general outgoing message to a

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calling party on the telephone line a tone to a calling party on the telephone line if a message has been stored in a storage location (FIG. 3 and column 4, lines 4-24).

Regarding **claim(s) 91 and 98**, Barber discloses a method, further comprising the step of deleting the entire message thread by at least one of the first and second calling parties (FIG. 6 and column 7, lines 3-5).

Response to Arguments

3. Applicant's arguments with respect to **claim(s) 85-110** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.

October 3, 2005



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600